

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the above amendment and the discussion below.

Applicants invention has been discussed in previously filed Responses including the Amendment filed April 15, 2003 which is incorporated herein by reference with the following comments being made in light of the present Patent Office Action.

Claims 45-47, 54-57 and 63-66 have been rejected under 35 U.S.C. 102 as anticipated by the reference to Levin while claims 48-52 and 58 have been rejected over the combination of Levin and Mercuri and claims 53, 59-62 have been rejected over the combination of Levin, Mercuri and Mintz. These rejections are repetitions from Paper No. 17, as indicated at page 2 items 1-3 of the present Office Action.

Additionally, claims 45-47, 54-57 and 63-66 are rejected under 35 U.S.C. 102 as anticipated by Krauss et al. for the reasons indicated at item 7 on pages 3 and 4 of the Patent Office Action while claims 48-52 and 58 are rejected under 35 U.S.C. 103 as unpatentable over Krauss et al. and Mercuri and claims 53 and 59-62 are rejected over Krauss et al., Mercuri and Mintz.

In order to appreciate the Examiner's position, the "Response To Arguments" section and item 11 on pages 6 and 7 indicates that previous arguments are not persuasive with respect to the reference to Levin because Levin teaches "a number of turns" which would read on "limited number of turns

of yarn for a given length of elastic thread". The conclusion of the Examiner is that a "limited" number could be any number.

In response to this rejection, Applicants have amended independent claim 45 so that it now clearly recites the relationship between the number of turns for the yarn for a given length of thread. That is, the number of turns is determined as a function of the elastic limit of the thread and therefore the thread become taught after a predetermined amount of stretch due to the yarn being straightened out to an extent where the yarn resists tensile force whereby the thread becomes inextensible before the elastic limit of the elastic thread is reached. This wording shows the functional relationship which is part of the present invention and eliminates the term "limited". Thus, the number is now a function of the elastic limit of the thread and the threads becomes tight after a predetermined amount of stretch because the yarn is straightened to an extent where the yarn resist the tensile force. Therefore, the claim language "whereupon said circumferential thread become inextensible before the elastic limit of said elastic thread is reached".

The newly applied reference to Krauss et al. has been cited for showing a limited number of turns of the yarn in Figure 4 around the elastic thread. Applicants submit that in view of the amended claim 45 there is no showing in Krauss et al. of the relationship between the number of turns and the elastic limit of the elastic thread and further there is no indication that the thread becomes taught after a predetermined amount of stretch so that the

circumferential thread become inextensible before the elastic limit of the elastic thread is reached.

The previously cited references to Levin, Mercuri and Mintz have been discussed in the previously filed Amendment of September 8, 2003 and it is submitted that claim 45, as discussed above, also defines over these references and any combination of the references. Dependent claims 46-66 depend from and contain all of the limitations of independent claim 45.

Claims 45-66 were also rejected under 35 U.S.C. 112, second paragraph, with respect to the term "a limited number of turns" in claim 45 and the term "said first tubular portion" of claim 55. In response to this rejection Applicants have amended claim 45, as discussed above, and have further amended claim 55 to provide proper antecedent basis.

Therefore in view of the distinguishing features between the claimed invention and the references which features are not shown or disclosed or made obvious by the references or their combinations, Applicants respectfully request that this application containing claims 45-66 be allowed and be passed to issue.

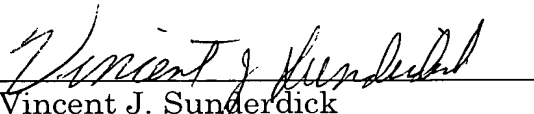
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010414.50147US).

Respectfully submitted,

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